

BILL ANALYSIS

Senate Research Center

S.B. 818
By: Barrientos
Natural Resources
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Enrolled

BACKGROUND

The water quality of Texas' rivers and lakes has been increasingly threatened by a wide array of pollutants, particularly in light of the state's rapid population growth over the last decade. Along with pollution from municipal sewage plants and industrial facilities, state waters suffer from harmful urban runoff and other forms of nonpoint source pollution. The Texas Water Commission lacks adequate resources to monitor and protect the 80,000 miles of rivers and lakes in Texas. With general supervision from the Water Commission, river authorities and water districts are uniquely positioned to implement state water quality management policies on a regional watershed basis and can provide a more cost-effective means of protecting Texas' water resources.

PURPOSE

As proposed, S.B. 818 requires regional assessments of water quality of the watershed of each river authority, and requires each authority to organize a basin-wide steering committee to assist in the assessments.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the Texas Water Commission under SECTIONS 1, 2, and 6, and to the Texas Water Development Board under SECTION 6 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 26B, Water Code, by adding Section 26.0135, as follows:

Sec. 26.0315. REGIONAL ASSESSMENT OF WATER QUALITY BY WATERSHED/RIVER BASIN. (a) Requires the Texas Water Commission (commission) to ensure the comprehensive regional assessment of water quality in each watershed and river basin of the state, and requires river authorities to conduct regional assessments of their own watersheds. Requires the commission to perform regional assessments of watersheds where a river authority is unable to perform its own adequate assessment. Sets forth reviews that the assessments are required to include. Provides that the assessment is a continuing duty and requires it to be revised as necessary to show changes in the factors subject to assessment.

(b) Requires a river authority to organize and lead a basin-wide steering committee made up of certain representatives. Requires each committee member to help identify significant water quality issues within the basin, and to make relevant data available to the river authority. Requires a river authority to develop a public input process.

(c) States the purpose of the assessment required by this section, and requires the commission to establish, by rule, the level of detail required for each assessment.

(d) Requires each authority to report on the assessment, by October 1 of each odd-numbered year, to the commission, the governor, and the Parks and Wildlife Department. Requires the report to identify each legal, economic, or other im-

pediment to further water quality efforts. Requires the commission to prepare a summary of the assessment report and submit it, along with the commission's comments and recommendations, to the governor, the lieutenant governor, and the speaker by December 1 of each even-numbered year.

(e) Requires a local government within the watershed of an authority to cooperate in making the assessment and preparing the report by providing information about water quality. Provides that nothing in this section shall be construed to limit or increase the authority or obligations of a municipality in regard to water pollution control and abatement programs.

(f) Requires all authorities in a multi-authority watershed to cooperate in making assessments and preparing reports.

(g) Assigns the meaning of "solid waste" and "solid waste management" as in Chapter 361, Health and Safety Code. Authorizes and encourages each river authority to manage solid waste and to facilitate and promote programs for collection and disposal of household and agricultural hazardous waste. Sets forth what a program may include.

(h) Requires the commission to apportion, assess, and recover the reasonable costs of administering water quality management programs from all users of water and wastewater permit holders in the watershed. Requires the cost to river authorities and others to conduct regional water quality assessment to be subject to prior review and approval by the commission. Requires the commission to adopt rules. Sets forth the purpose of the rules.

(i) Defines "river authority."

SECTION 2. Amends Chapter 26B, Water Code, by adding Section 26.0136, as follows:

Sec. 26.0136. REGIONAL WATER QUALITY IMPLEMENTATION. Provides that the commission is the agency with primary responsibility for implementation of regional water quality management functions, including enforcement actions. Requires the commission by rule to coordinate the water quality responsibilities of river authorities and to delegate water quality functions to local governments. Provides that nothing in this section is intended to enlarge, diminish or supersede the water quality powers of river authorities, the State Soil and Water Conservation Board, and local governments.

SECTION 3. Amends Section 26.023, Water Code, to require the commission to consider the existence and effects of nonpoint source pollution, toxic materials, and nutrient loading in developing water quality standards and related waste load models for water quality.

SECTION 4. Amends Chapter 24B, Water code, by adding Section 26.285, Water Code, as follows:

Sec. 26.285. EXPIRATION OF PERMITS WITHIN SAME WATERSHED. Requires the commission to mandate that all waste discharge permits within a single watershed or its region to contain the same expiration date. Requires the commission to adopt and implement procedures for the simultaneous review and renewal of the permits within a watershed or its region. States the purpose of the review.

SECTION 5. Amends Chapter 26E, Water Code, by adding Section 26.178, as follows:

Sec. 26.178. FINANCIAL ASSISTANCE DEPENDENT ON WATER QUALITY PROGRAMS. Conditions all financial assistance from the board to a city of a population greater than 5,000, on the submission of a water pollution control and abatement program to the commission in accordance with rules and submission sched-

ules promulgated by the commission, and allows the board to award grants from the research and planning fund to authorities for performing regional water quality assessments.

SECTION 6. Amends Chapter 15, Water Code, by adding Subchapter L, as follows:

SUBCHAPTER L. PLUMBING IMPROVEMENT LOANS.

Sec. 15.731. DEFINITIONS. Defines "fund," "plumbing assistance loan," "plumbing improvement loan," "political subdivision," and "water conservation."

Sec. 15.732. PLUMBING LOAN FUND. (a) Creates the plumbing loan fund.

(b) Provides that the fund is held separately from other funds outside the state treasury. Requires the board to keep and maintain the fund and any accounts established in the fund.

(c) Allows the fund or accounts in the fund to be kept and held in escrow and in trust by the state treasurer for and on behalf of the board to be used only as provided by this subchapter.

(d) Provides that legal title to money and investments in the fund is in the board unless or until paid out as provided by this subchapter or rules of the board.

(e) Requires the state treasurer to administer the fund. Prohibits the state from taking any action with respect to the fund other than that specified in the subchapter.

Sec. 15.733. ADMINISTRATION AND OPERATION OF FUND. (a) Requires the board to administer the fund in accordance with state law, rules of the board, and any federal requirements imposed because of a grant of money to the fund by an agency of the federal government.

(b) Authorizes the board to execute agreements with the Environmental Protection Agency or any other federal agency to establish and administer the fund.

(c) Provides that the fund consists of money derived from federal grants, from earnings on the investment of money credited to the fund, and, at the board's discretion, from any other available source.

(d) Requires the board to deposit money received for repayment of a plumbing assistance loan made to a political subdivision in the fund.

(e) Allows any money in the fund to be transferred to the state water pollution control revolving fund at the direction of the governor.

(f) Provides that the fund remains available in perpetuity for providing loans under this subchapter, except to the extent that the fund may be reduced or eliminated as provided by this subchapter.

Sec. 15.734. USE OF FUND. Authorizes the board to use money in the fund to make a plumbing assistance loan, administer the fund, and to grant or lend money to a political subdivision.

Sec. 15.735. APPLICATION SUBMISSION AND APPROVAL. (a) Requires a political subdivision located in certain enumerated counties to submit to the board an application for a plumbing assistance loan. Sets forth the required content of the application.

(b) through (d) Sets forth conditions under which the board may or may not approve a plumbing assistance loan to a political subdivision.

(e) Requires the board to set interest rates to be charged to political subdivisions on plumbing assistance loans.

Sec. 15.736. POLITICAL SUBDIVISION PLUMBING IMPROVEMENT LOAN PROGRAM ADMINISTRATION; PLUMBING ASSISTANCE LOAN REPAYMENT.

(a) Requires a political subdivision that receives a plumbing assistance loan to establish and administer a program to make plumbing improvement loans to individuals at a certain interest rate, or no interest.

(b) Authorizes a political subdivision to use the proceeds from a plumbing assistance loan to make a plumbing improvement loan. Sets forth the purposes for which the loan may be used.

(c) Requires the political subdivision to repay its plumbing assistance loan from the money it receives as repayment of plumbing improvements it has made. Exempts the political subdivision from the obligation to repay a loan if it is unable to collect the payments on its loans.

(d) Requires a political subdivision to use all reasonable means to collect payments on loans. Authorizes the board to bring legal action in a Travis County district court to enforce compliance.

Sec. 15.737. RULES. Authorizes the board to adopt rules.

SECTION 7. Requires the Texas Water Commission and the Texas Water Development Board to adopt rules within 180 days after the effective date of this Act to carry out water quality protection.

SECTION 8. Short title: Texas Clean Rivers Act.

SECTION 9. Emergency clause.
Effective date: upon passage.